UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALLIANZ GLOBAL RISKS U.S. INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc., Plaintiff	)	
vs.	)	No. 07 C 7149
NOVAK CONSTRUCTION COMPANY, an Illinois corporation, Defendant	)	Judge Samuel Der-Yeghiayan

NOVAK CONSTRUCTION COMPANY'S
RESPONSE TO THIRD PARTY DEFENDANT
AERO ELECTRIC & COMMUNICATIONS'
AFFIRMATIVE DEFENSES

NOW COMES the Third Party Plaintiff, NOVAK CONSTRUCTION COMPANY, by and through one of its attorneys, Timothy R. Couture of JOHNSON & BELL, LTD., and for its Response to AERO ELECTRIC & COMMUNICATIONS' Affirmative Defenses to its Third Party Complaint, states as follows:

FIRST AFFIRMATIVE DEFENSE

NOVAK CONSTRUCTION COMPANY objects and moves to strike AERO ELECTRIC & COMMUNICATIONS' Affirmative Defense in that it does not set forth an affirmative defense recognized by law. Should AERO ELECTRIC & COMMUNICATIONS' First Affirmative Defense be considered or construed as an appropriate affirmative defense, Third Party Plaintiff, NOVAK CONSTRUCTION COMPANY denies the same.

SECOND AFFIRMATIVE DEFENSE

NOVAK CONSTRUCTION COMPANY objects and moves to strike AERO ELECTRIC & COMMUNICATIONS' Affirmative Defense in that it does not set forth an affirmative defense recognized by law. Should AERO ELECTRIC & COMMUNICATIONS' Second

Affirmative Defense be considered or construed as an appropriate affirmative defense, Third Party Plaintiff, NOVAK CONSTRUCTION COMPANY denies the same.

THIRD AFFIRMATIVE DEFENSE

NOVAK CONSTRUCTION COMPANY objects and moves to strike AERO ELECTRIC & COMMUNICATIONS' Affirmative Defense in that it does not set forth an affirmative defense recognized by law. Should AERO ELECTRIC & COMMUNICATIONS' Third Affirmative Defense be considered or construed as an appropriate affirmative defense, Third Party Plaintiff, NOVAK CONSTRUCTION COMPANY denies the same.

FOURTH AFFIRMATIVE DEFENSE

NOVAK CONSTRUCTION COMPANY denies AERO ELECTRIC & COMMUNICATIONS' Fourth Affirmative Defense.

FIFTH AFFIRMATIVE DEFENSE

NOVAK CONSTRUCTION COMPANY denies AERO ELECTRIC & COMMUNICATIONS' Fifth Affirmative Defense.

Respectfully submitted,

NOVAK CONSTRUCTION COMPANY,

By: s/ Timothy R. Couture

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